

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DAVID McINTYRE,

Defendant.

8:09CR62

ORDER

This matter is before the court on the defendant's Motion (Doc. 26) for leave to file a motion to suppress out of time. The motion deadline has already been extended, defendant's pending motion has been set for hearing for approximately six weeks, briefing on the proposed motion cannot be completed before the June 3, 2009 hearing, and the defendant has not shown why the proposed motion could not have been timely filed.

IT IS ORDERED that defendant's Motion for leave to file a motion to suppress out of time (Doc. 26) is denied.

DATED May 26, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge